

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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JUSTIN BLAKE,

Case No.: 22-cv-0970

Plaintiffs,

v.

DAVID BETH, et al.,

Defendants.

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**DECLARATION OF KIMBERLEY CY. MOTLEY IN OPPOSITION TO  
DEFENDANT'S MOTION TO STRIKE AND SANCTIONS (DKT. 109)**

Pursuant to 28 U.S.C. § 1746, the undersigned, Kimberley Cy. Motley, makes the following statements under penalty of perjury under the laws of the United States.

1. I am an attorney duly licensed to practice law in the State of Wisconsin.
2. I represent Plaintiff Justin Blake in the above-captioned case.
3. This Declaration is made in support of statements and representations made in Plaintiff's Brief, which is being filed on May 20, 2025.
4. Defendants David Beth, County of Kenosha, Kyle Bissonnette, Jacob DiCello, Gloria Galvan, Dereemeyun Haynes, Jeremy May, and the Wisconsin Municipal Mutual Insurance Company, shall collectively be referred to as the "Defendants", unless otherwise noted.
5. Defendants Jessica Bergmann and the Visiting Nurse Community Care Visiting Nursing shall collectively be referred to as the "VNCC Defendants", unless otherwise noted.

6. Attached hereto and incorporated herein as **Exhibit 1** is Plaintiff's First Request for Production of Documents, First Requests for Admissions, and First Set of Interrogatories served to Defendants Kenosha County, David Beth, Kyle Bissonnette, Jacob DiCello, Gloria Galvan, Dereemeyun Haynes, and Jeremy May (hereinafter "Defendants") served on November 12, 2022.

7. Attached hereto and incorporated herein as **Exhibit 2** is Plaintiff's Second Request for Production of Documents and Second Interrogatory served on February 15, 2023.

8. Attached hereto and incorporated herein as **Exhibit 3** is Plaintiff's Third Request for Production of Documents served on July 3, 2023.

9. Attached hereto and incorporated herein as **Exhibit 4** is Plaintiff's Fifth Request for Production of Documents and Interrogatories served on October 24, 2023.

10. Attached hereto and incorporated herein as **Exhibit 5** is Plaintiff's Notice to Cure Deficiencies Letter sent to County Defendants on February 29, 2024.

11. Attached hereto and incorporated herein as **Exhibit 6** is Defendant's Supplemental Response to Plaintiff's Second Request for Production of Documents and Second Interrogatory received on April 1, 2024.

12. Attached hereto and incorporated herein as **Exhibit 7** is the screenshot photo as marked by Defendant Jessica Bergmann in her deposition on April 15, 2024 and previously marked as Bergmann Exhibit 4.

13. Attached hereto and incorporated herein as **Exhibit 8** is County Defendant's Initial Disclosures as provided to Plaintiffs on November 30, 2022.

14. Attached hereto and incorporated herein as **Exhibit 9** to this Declaration is an email sent to Attorney Brian Baird on March 13, 2024, and copying Attorneys Brianna Meyer and Samuel Hall, with attached Notices of Deposition for Defendants Jessica Bergmann and for a corporate representative of the Visiting Nurse Community Care (hereinafter “VNCC”).

15. Attached hereto and incorporated herein as **Exhibit 10** is Defendants VNCC and Jessica Bergmann’s Expert Disclosures.

16. Attached hereto and incorporated herein as **Exhibit 11** is Defendant’s Response to Plaintiffs Fifth Request for Production of Documents and and Second Interrogatory signed by Douglas Simpson on January 11, 2024 as the Corporate Representative of Kenosha.

17. Attached hereto and incorporated herein as **Exhibit 12** is Defendant’s Response to Plaintiffs First Request for Production of Documents and First Interrogatories signed by Douglas Simpson on June 27, 2024 as the Corporate Representative of Kenosha.

18. Attached hereto and incorporated herein as **Exhibit 13** is Defendants VNCC and Jessica Bergmann’s expert Dr. Sanjay K. Patari report.

19. Attached hereto and incorporated herein as **Exhibit 14** are text messages communications between District Attorney Michael Graveley and others as made on April 26, 2021 regarding Mr. Blake and produced by Kenosha County.

20. Attached hereto and incorporated herein as **Exhibit 15** is the Deposition transcript of Tanya McClean taken on July 27, 2023.

21. Attached hereto and incorporated herein as **Exhibit 16** is a written news

report of Tony Atkins with TMJ4, posted on April 25, 2021 and entitled, "3 arrested during protest in support of Jacob Blake, Jr."

22. Attached hereto and incorporated herein as **Exhibit 17** is a written news report of CBS 58 News, posted on April 25, 2021 and entitled, "Local activists hold sit-down protest in Kenosha over Jacob Blake shooting."

23. Attached hereto and incorporated herein as **Exhibit 18** is the invitation from Oxford University for Kimberley Motley to speak on March 6, 2025.

24. Attached hereto and incorporated herein as **Exhibit 19** is a true and accurate copy of the Wisconsin Circuit Court Access page for Kenosha County Case No. 2021FO000463, Kenosha County v. Justin Blake.

25. Attached hereto and incorporated herein as **Exhibit 20** is Plaintiff's Second Notice to Cure Deficiencies Letter sent to County Defendants on July 12, 2024.

26. Attached hereto and incorporated herein as **Exhibit 21** is an email sent on November 26, 2024 Attorney Motley and Defense Counsel Steven McGaver, met and conferred regarding outstanding discovery issues and set it up via email. **Exhibit 21**.

27. Attached hereto and incorporated herein as **Exhibit 22** is an email sent by Defendants on December 6, 2024 to Plaintiffs.

28. Attached hereto and incorporated herein as **Exhibit 23** is an email sent by Defendants on December 10, 2024 to Plaintiffs.

29. Attached hereto and incorporated herein as **Exhibit 24** is Defendant's Response to Plaintiff's Ninth Request for Production of Documents, Third Interrogatories and Second Requests to Admit served on December 27, 2024.

30. Attached hereto and incorporated herein as **Exhibit 25** is an email sent by

Defendants on December 21, 2024 to Plaintiffs.

Executed this 20<sup>th</sup> day of May 2025.

*s/ Kimberley Cy. Motley*

Kimberley Cy. Motley